

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

REALTIME DATA LLC d/b/a IXO,	§	
Plaintiff,	§	
	§	
	§	
v.	§	CIVIL ACTION NO. 6:15-cv-463-RWS-JDL
	§	
	§	LEAD CASE
ACTIAN CORPORATION and	§	
PERVASIVE SOFTWARE, INC.,	§	
Defendants.	§	Hon. Robert W. Schroeder, III
	§	

**DELL INC.'S MOTION TO DISMISS - REPLY**

Defendant Dell Inc. ("Dell") pursuant to Federal Rule of Civil Procedure 12(c), moved to dismiss Realtime Data LLC's d/b/a IXO ("Realtime") complaint in *Realtime Data LLC d/b/a IXO v. Riverbed Technology, Inc., and Dell Inc.*, 6:15-cv-468-RWS (Dkt # 1) for lack of standing on the basis that U.S. Patents 7,378,992 (the '992 patent), 8,643,513 (the '513 patent), and 7,415,530 (the '530 patent) claim patent-ineligible subject matter and thus are invalid under 35 U.S.C. § 101 (Dkt # 44 ).

In Reply to Plaintiff's Opposition (Dkt #76), Dell joins, relies upon, and incorporates herein the arguments and authority described in the Defendants' Reply Brief on Their Motion to Dismiss First Amended Complaint filed by Defendants SAP America Inc., Sybase, Inc., Hewlett-Packard-Company, HP Enterprise Services, LLC, Dell Inc., BMC Software, Inc., Echostar Corporation, Hughes Network Systems, LLC in the lead consolidated case, *Realtime Data LLC d/b/a IXO v. Actian Corporation and Pervasive software, Inc.*, 6:15-cv-463-RWS-JDL (Dkt #98 ). Dell respectfully requests that this Court grant its motion to dismiss.

Dated: September 11, 2015

Respectfully submitted,

By: /s/ Deron R. Dacus

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**Certificate of Service**

The undersigned certifies that on this 11<sup>th</sup> day of September, 2015, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3). Any other counsel of record will be served by a facsimile transmission and/or first class mail.

/s/ Deron R. Dacus

Deron R. Dacus